

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TRUSTEES OF THE BRICKLAYERS AND
MASONS LOCAL NO. 22 PENSION PLAN

Plaintiffs,

-vs-

5 STAR MASONRY LLC

Defendant.

CASE NO. 3:20-cv-398-MJN

District Judge Michael J. Newman

**ORDER (1) GRANTING PLAINTIFFS' MOTION FOR A DEFAULT JUDGMENT AND
(2) ORDERING THE CLERK TO ENTER JUDGMENT ACCORDINGLY**

WHEREAS, Plaintiffs, the Trustees of the Bricklayers and Masons Local No. 22 Pension Plan, filed their Complaint on September 24, 2020;

WHEREAS, Defendant, 5 Star Masonry LLC, has failed to answer or otherwise plead within the time prescribed;

WHEREAS, the Clerk of this Court issued an Entry of Default on February 18, 2021;

NOW THEREFORE, upon Plaintiffs' Motion for Default Judgment and for good cause shown, an order of default judgment is hereby entered against Defendant in accordance with Plaintiffs' Motion; and

IT IS HEREBY ORDERED that **JUDGMENT IS ENTERED** on behalf of Plaintiffs, the Trustees of the Bricklayers and Masons Local No. 22 Pension Plan, and against Defendant, 5 Star Masonry LLC.

IT IS FURTHER ORDERED that Defendant shall, not later than 28 days from the date of this Order, submit to an audit by making available to Plaintiffs, or their designated agent, in the manner and at the time and place designated by Plaintiffs, all of Defendant's books and records

for the period of January 2018 to the present. Defendant shall provide Plaintiffs with the records, information, and responses as necessary for Plaintiffs to determine the amounts owed in unpaid contributions, liquidated damages, and interest.

IT IS FURTHER ORDERED that Defendant is liable for the amount of contributions found due and owing from the audit, plus liquidated damages, interest, attorneys' fees, as well as the cost of said audit. After an audit has been performed or the monthly reports submitted and the total amounts owed have been calculated, counsel for Plaintiffs will file an affidavit containing these amounts owed and, upon the filing of such affidavit, this Court shall enter a Judgment Entry for damages in favor of Plaintiffs and against Defendant.

IT IS FURTHER ORDERED that the above-captioned matter shall not be administratively closed by the Clerk's Office until such time as Plaintiffs file an affidavit as to the amounts owed to Plaintiffs by Defendant.

IT IS FURTHER ORDERED that Plaintiffs are entitled to ongoing interest in the amount of one-percent per month until the unpaid contributions are paid in full and any additional attorneys' fees incurred in collecting the judgment amount.

IT IS SO ORDERED

Dated: 02/26/2021

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge